

REMARKS

Claims 1-17 are all the claims pending in the present application. Claims 1-17 are rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement. Claims 1-17 are also rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ngo et al. (WO 00/04427) in view of Malkin et al (EP 1 021 021), and further in view of Arnold et al (U.S. Patent No. 6,167,449)¹.

§112, first paragraph Rejections - Claims 1-17

The Examiner alleges that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and or use the invention. Specifically, the Examiner states that the specification does not specifically disclose that the notification message to at least one of the plurality of service recipient devices is to confirm that the devices are subscribed to receive the service or not, rather it confirms whether or not the device can receive the service or not.

In response, Applicant acknowledges that the specification does not explicitly state that “the system transmits a notifying message to said at least one of the plurality of service recipient devices prior to providing the service, to confirm whether said at least one of the plurality of service recipient devices is subscribed to receive the service or not,” however Applicant submits that one of ordinary skill in the art, based on a reasonable reading of the specification, would

¹ Previously, only Ngo and Malkin were applied to support the claim rejections.

understand that ‘whether a device can receive a service or not’ can be the same as ‘whether a device is subscribed to receive a service’. For example, pages 2, lines 5-10 and 17-20, and page 8, lines 18-21, indicate that subscribed devices can receive services. Thus, one of ordinary skill in the art would understand that a notifying message that confirms whether at least one of the plurality of service recipient devices can receive the service or not can be the same as confirming whether the at least one of the plurality of service recipient devices is subscribed to receive the service or not. Thus, one of ordinary skill in the art would be able to practice the claimed invention without undue or unreasonable experimentation.

Therefore, at least based on the foregoing, Applicant submits that the rejections of claims 1-17 under 35 U.S.C. § 112, first paragraph, are obviated.

Request for Interview

Applicant respectfully requests that the Examiner grant Applicant’s representatives an interview to discuss at least the rejections under 35 U.S.C. § 112, first paragraph. Applicant’s representatives will contact the Examiner with respect to scheduling a possible interview.

§103(a) Rejections (Ngo/Malkin/Arnold) - Claims 1-17

With respect to claim 1, Applicant previously argued that neither of the applied references, either alone or in combination, discloses or suggests at least, “the system transmits a notifying message to said at least one of the plurality of service recipient devices prior to providing the service, to confirm whether said at least one of the plurality of service recipient devices is subscribed to receive the service or not,” as recited in claim 1.

In response, the Examiner alleges:

Malkin in view of Ngo do not specifically disclose that the notifying message is used to confirm whether the recipient device is subscribed to receive the service or not. In analogous art, Arnold discloses another service provision system in a network which discloses transmitting a notifying message (i.e., query) to determine whether one or more of the service recipient devices (i.e., SIP servers) is subscribed to receive the service or not (i.e., determine whether any of the SIP servers queried can provide the service or not, based on the services the SIP servers provide). It would have been obvious to one of ordinary skill in the art to combine the teaching of Arnold with Malkin and Ngo in order to provide a standardized method to allow any application program to locate a service provider without having to know the exact location of the provider and details regarding the protocols used by the device or the network as supported by Arnold (col. 2, lines 5-15).

In response, Applicant submits that Arnold is directed to method and apparatus for locating a provider of network services. That is, Arnold is directed to allowing applications to find services (and service providers) without having to specify the exact locations of the providers. *See col. 2, lines 15-31*. Arnold does not disclose or suggest at least that a system transmits a notifying message to at least one of the plurality of service recipient devices prior to providing the service, to confirm whether said at least one of the plurality of service recipient devices is subscribed to receive the service or not. Arnold is only concerned with locating service providers, and does not relate to confirming whether service recipient devices are subscribed to receive services. Therefore, at least based on the foregoing, Applicant submits that independent claim 1 is patentably distinguishable over the applied references, either alone or in combination.

Applicant submits that independent claims 5, 9, 13 and 17 are patentable at least based on reasons similar to those set forth above with respect to claim 1.

Applicant submits that dependent claims 2-4, 6-8, 10-12 and 14-16 are patentable at least by virtue of their respective dependencies from independent claims 1, 5, 9 and 13, respectively.

Further, with respect to dependent claim 3, Applicant maintains the previous argument that the applied references, either alone or in combination, do not disclose or suggest at least, “wherein the additional identifying information includes information about at least one of a user name and a vendor,” as recited in claim 3. The Examiner does not even respond to the argument submitted in the previous Amendment with respect to claim 3².

Applicant submits that claims 7, 11 and 15 are patentable at least based on reasons similar to those set forth above with respect to claim 3.

Further, with respect to claim 4, as set forth in the previous Amendment, Applicant maintains that the applied references do not teach or suggest at least, “wherein the service is a push service that provides a certain service to said at least one of the plurality of service recipient devices repeatedly in a predetermined period of time,” as recited in claim 4. The Examiner does not respond to the argument submitted in the previous Amendment with respect to claim 4.

At least based on the foregoing, Applicant submits that claims 1-17 are patentably distinguishable over the applied references, either alone or in combination.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

² The Examiner repeats the same arguments from the previous Office Action with respect to claims 3 and 4.

RESPONSE UNDER 37 C.F.R. § 1.116
U. S. Application No. 09/985,827

ATTORNEY DOCKET NO. Q65852

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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